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21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.  
25 Plaintiff,  
26 v.  
GOOGLE INC.  
27 Defendant.

Case No. CV 10-03561 WHA  
**DECLARATION OF ANDREW D.  
SILVERMAN IN SUPPORT OF  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL MOTION IN LIMINE #5  
RE: DR. SIMONSON**

Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

DECL. OF ANDREW D. SILVERMAN RE:  
ADMIN MOT. TO FILE UNDER SEAL RE:  
ORACLE'S MOTION IN LIMINE #5  
CV 10-03561 WHA

1 I, Andrew D. Silverman, declare and state as follows:

2 1. I am a member of the bars of the States of California, New York, and the District  
3 of Columbia, admitted to practice before this Court, and an associate with the law firm of Orrick,  
4 Herrington & Sutcliffe LLP (“Orrick”), attorneys of record for plaintiff Oracle America, Inc.  
5 (“Oracle”). I am familiar with the events, pleadings and discovery in this action and, if called  
6 upon as a witness, I could and would testify competently to the matters stated herein of my own  
7 personal knowledge.

8 2. I submit this declaration in support of Oracle’s Administrative Motion to File  
9 Under Seal Portions of Oracle’s Motion *In Limine* #5 to Exclude Google’s Survey Expert, Dr.  
10 Simonson.

11 3. The following portions of Oracle’s motion summarize, quote from, or reproduce  
12 materials that have been designated by Google Inc. as “CONFIDENTIAL” pursuant to the  
13 Protective Order:

- 14 • Page 1, line 6 starting with the word following “packages.” through the next to last  
15 word on line 10 of the same page.
- 16 • Page 1, line 16 starting with the word after “not” through the word preceding “Dr.”
- 17 • Page 2, line 14 starting with the word following “APIs as” through the word  
18 preceding “See” on line 15.
- 19 • Page 3, line 24 starting with the word following “developers” through the word  
20 preceding “But” on page 3, line 1.
- 21 • Page 3, line 9 starting with the word following “was” through the word preceding  
22 “Ex. 9” on line 10.
- 23 • Page 3, line 11 stating with the word following “conclude that” through the last  
24 word on line 13.
- 25 • Page 3, line 20 starting with the first word through the word preceding “But.”
- 26 • Page 3, line 21 starting with the word following “respondents” through the word  
27 preceding “Ex. 11.”

- Page 3, line 22, starting with the word following “respondents” through the last word on line 23.
- Page 3, line 24, starting with the word following “*one*” through the word preceding “Ex. 11” on line 25.
- Page 3, n.2 starting with the word following “who” through the word preceding “However;” and the quotations; and starting with the first word the last line of the footnote on page 3 through the end of that sentence.
- Page 4, line 1 starting with the word after “in fact” through the next to last word of line 1.
- Page 4, line 2 starting with the sixth word through the word preceding “Ex. 9” on line 4.
- Page 4, line 5 starting with the seventh word on line 5 through the partial word at the beginning of line 9.
- Page 4, line 9 beginning with the word following “respondents did” through the fourth word on line 10.
- Page 4, line 10, starting with the next to last full word through the word preceding “The survey” on line 11.
- Page 4, n.2 starting with the word following “question about” through the word preceding “Ex” on the same line.
- Page 4, n.2 starting with the next to last full word on the second line through the sixth full word on the third line.
- Page 4, n.2 starting with the word following “18 respondents” on the fourth line through the word preceding “only *one*” on the fifth line.
- Page 4, n.2 starting with the word in quotes on the fifth line through the third word on the sixth line.
- Page 5, line 10 starting with the third word through the sixth word.
- The phrase in quotes starting on Page 5, line 11 and continuing onto line 12.

- Page 5, line 12 starting with the single word in quotes through the eighth word on line 17.
- Page 5, line 18 starting with the ninth word through the fourth word on line 21.
- Page 6, line 1 starting with the word following “measure” through the word preceding “Ex. 9” on line 2.
- Page 6, line 22 starting with the next to last full word through the fifth full word on line 23.

4. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 23rd day of March, 2016, at New York, NY.

*/s/ Andrew D. Silverman*

Andrew D. Silverman